

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

MICHAEL J. SAVENA,	:	
Individually and On Behalf of All Others	:	Civil Action No. 07 Civ. 9837
Similarly Situated,	:	
	:	
Plaintiff,	:	
	:	
MERRILL LYNCH & CO., INC., E.	:	
STANLEY O'NEAL, AHMASS L.	:	
FAKAHANY, GREGORY J. FLEMING	:	
and JEFFREY N. EDWARDS,	:	
	:	
Defendants.	:	
	:	

NOTICE OF VOLUNTARY DISMISSAL WITHOUT PREJUDICE

Pursuant to Rule 41(a)(1) of the Federal Rules of Civil Procedure, Plaintiff Michael J. Savena voluntarily dismisses without prejudice his Complaint in this action.

Respectfully submitted, this 4th day of February, 2008.

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and JEFFREY N. EDWARDS,	:	
	:	
Defendants.	:	
	:	

CERTIFICATE OF SERVICE

This is to certify that I have this day served a copy of the within and foregoing “**Notice of Voluntary Dismissal Without Prejudice**” by electronic filing and by depositing a true and correct copy of same in the United States Mail, postage prepaid, addressed to counsel for Defendants as follows:

Jay B. Kasner
Scott Musoff
Skadden, Arps, Slate, Meagher & Flom LLP
Four Times Square
New York, NY 10036-6522

This 4th day of February, 2008.

CHITWOOD HARLEY HARNES LLP

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